

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH MEREDITH ECKER, as
Guardian of ROBERT RAYMOND ECKER,
an Incapacitated Individual,
Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,
a Foreign Insurance Company,
Defendant.

Case No. 2:09-cv-14691
Hon. Patrick J. Duggan
Mag. Michael J. Hluchaniuk

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**QUALIFIED PROTECTIVE ORDER AND AUTHORIZATION PURSUANT TO HEALTH
INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

Pursuant to the agreement of counsel, notice of hearing and entry being waived, and
with the court otherwise fully advised in the premises;

1. IT IS HEREBY ORDERED that this Court authorizes the disclosure and
sharing of ROBERT RAYMOND ECKER's "personal health information" protected under
the Health Insurance Portability and Accountability Act (hereinafter "HIPAA") (42 USC
§1320d *et seq.*) and the regulations promulgated thereunder (45 CFR §§160, 164 *et seq.*)
pursuant to the terms and conditions contained in this Order.

2. IT IS HEREBY FURTHER ORDERED that ROBERT RAYMOND ECKER's
health care providers including, but not limited to examining, testing and/or treating doctors

and other medical personnel shall provide copies of all records and may discuss ROBERT RAYMOND ECKER's medical conditions and treatment with counsel for the Defendant.

3. IT IS FURTHER ORDERED that this Order does not compel the health care provider to participate in an interview or meeting against his or her wishes, nor to occur outside the presence of the health care provider's attorney if he or she wishes to have one present. The purpose of the interview or meeting conducted by attorneys for Defendant is to assist Defendant in the defense of the above-referenced legal action. The meeting or interview is not at the request of the Plaintiff, although Plaintiff and his counsel are on notice of the existence of this Order.

4. IT FURTHER ORDERED that attorneys for Defendant must transmit a copy of this Order to each and every health care provider upon requesting a meeting and/or interview with the health care provider.

5. IT IS FURTHER ORDERED that all covered entities under HIPAA, including but not limited to any and all health care providers, examining physicians, testing physicians, treating physicians, and other medical personnel are authorized and permitted to disclose personal health information of ROBERT RAYMOND ECKER to the attorneys or agents of Defendant. Such disclosure of personal health information of ROBERT RAYMOND ECKER may be provided orally in discussions with defendant's attorneys and/or agents or in written, visual or other recorded form. The consent of, or notice to, Plaintiff and/or her attorneys is not required prior to the disclosure of this information.

Further, any and all medical records obtained by Defendant or its attorney/agents pursuant to this order must be promptly provided to Plaintiff's attorney by Defendant or its

attorney/agents, and Plaintiff or its attorneys/agents must promptly reimburse Defendant for all reasonable acquisition and copying costs.

6. IT IS FURTHER ORDERED that within 10 days of attorneys for Defendant interviewing and/or meeting any health care provider, attorneys for Defendant shall notify Plaintiff's attorney that the interview and/or meeting occurred.

7. IT IS FURTHER ORDERED that counsel for the Defendant is prohibited from using or disclosing the protected health information for any purpose other than this action, *Kenneth Ecker as Guardian of Robert Raymond Ecker v. Allstate Insurance Company* and upon resolution of this action, counsel for the Defendant who receives written or otherwise recorded protected health care information of ROBERT RAYMOND ECKER, shall destroy or return the information (including all copies made) to the health care provider.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: October 21, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 21, 2010, by electronic and/or ordinary mail.

s/Marilyn Orem
Case Manager

APPROVED AS TO FORM:

/s/with consent of Stephen H. Sinas
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